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MEMO ENDORSED

August 19, 2008

BY FAX

Honorable P. Kevin Castel
United States District Judge
500 Pearl Street
New York, NY 10007

USDS SDNY
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Re: *Sheila Callaghan, et al. v. City of New York, et al.*, 07 Civ. 9611 (PKC)

Your Honor:

The Third Amended Complaint in the above-referenced action was filed on April 29, 2008, adding approximately 75 new defendants. Pursuant to Fed. R. Civ. P. 4(m), the defendants must be served on or before August 27, 2008. While plaintiffs have successfully served the vast majority of the newly-added defendants, we have encountered difficulties in regard to eleven officers and respectfully request that the deadline for service on those individuals be extended by thirty days (i.e., until September 26, 2008). Defendants consent to this request, and respectfully request (with plaintiffs' consent) that their deadline to respond to the complaint be similarly extended (i.e., from November 14, 2008 to December 14, 2008).

Six of the defendants are no longer employed by NYPD. Mr. Zuckerman has begun the process of having Police Legal reach out to four of the former officers¹ for permission to accept service on their behalf. As the Court is no doubt aware, however, the process is lengthy and cumbersome. In addition, plaintiffs only very recently² learned that an additional

¹ Robert Pollastro, William Gross, Barbara Farley, and Alberto Cornea.

² Unfortunately, the command information provided by the NYPD Wheel is not always accurate, and we only learned that these two officers are no longer employed when we went to their precincts to attempt to serve them.

two officers³ are retired, and we have just requested that Mr. Zuckerman begin the service-acceptance process for them as well.

For five additional defendants,⁴ the Wheel is unable to provide commands based upon the information currently in plaintiffs' possession. We are, therefore, going back over all records currently available to us, in hopes of finding additional information and/or of ascertaining whether our current information contains errors. We will then re-contact the Wheel to see whether commands can be identified.

Plaintiffs believe that the additional time requested will permit them to serve the remaining eleven newly-added defendants. Thank you for your consideration of this request.

Respectfully,

Rose M. Weber

Rose M. Weber (RW 0515)

*Time to serve all defendants
extended for good cause until September 26,
2008. Time for all defendants to answer,
motion or otherwise needed extended to December 14,
2008.*
Application Granted.

So Ordered: *[Signature]*

Hon. P. Kevin Castel, U.S.D.J.

8-25-08

³ Neil Rodriguez and Edward Marcial.

⁴ P.O. Cordon, P.O. O'Dougherty, P.O. Wallace, Brenden Beyrer, and James Brunache.